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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,108	05/24/2001	Craig S. Skinner	24772-10602	3048
758	7590	10/03/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			SHARMA, SUJATHA R	
			ART UNIT	PAPER NUMBER
			2618	

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/865,108	SKINNER ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Sujatha Sharma	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2 is/are allowed.
- 6) ☐ Claim(s) 1, 4-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,9-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Okano [US 6,763,238].

Regarding claim 1, Okano discloses a portable phone with various functional settings. Okano further discloses a portable phone comprising:

- a radio unit configured to communicate with a network; See Fig.1 and col. 1, lines 66- col. 2, line 3
- at least one memory device configured to store application and system programs; See Fig.1, element 5, and col. 1, lines 63 - 67
- a processing unit coupled to said radio unit and said at least one memory device, said processing unit configured to run the application and system programs; Fig.1, control circuit 1, and col. 1, lines 63 - 67
- wherein at least one of the application and system programs include a switch for enabling and disabling the radio while leaving the processing unit in an operation state (See col. 4, lines 8-51) and the device screen being configured to display information for a context associated with the state of the switch (see fig. 3, col. 4, line 64 – col. 5, line 67).

Okano further discloses a method wherein the program applied to the mobile device is capable of controlling operation of the transmission function separately from other functions

Art Unit: 2618

such as receiving call, telephone directory, schedule manager, games etc that can remain effective for use. See col. 1, line 63 – col. 3, line 32 and col. 4, lines 2-7, 52-65.

Regarding claim 4, Okano further discloses the electronic device to comprise of a display screen and at least one of said system and application programs configured to generate a graphical user interface on the display screen having at least one soft button programmed to enable and disable said radio device. See Fig 1 and col. 4, lines 14-24.

Regarding claims 9,10, Okano further discloses a method of menu option for schedule and the application and system programs include a scheduling application that provides user modifiable start and stop times that indicate when the radio unit is to be enabled and disabled. See col. 4, lines 34-65.

Regarding claims 11,12 Okano discloses a method of notifying a user of an RF enablement of a device comprising the steps of:

- identifying the invocation of a mechanism requiring access to the RF capabilities and determining the RF enablement of the RF device and a software enabled switch on a touch sensitive screen; see col. 1, line 63 – col.3, line 32, col. 4, lines 2-51
- prompting a user of the device if the mechanism is to be granted RF access; col. 5, lines 3-34
- retrieving a user input regarding whether RF access should be granted to the mechanism requiring RF access; see col. 5, lines 3-34

Art Unit: 2618

- if the user input indicates the mechanism is to be granted RF access, automatically enabling the RF device and allowing the mechanism requiring RF access to continue and access the RF device; col. 5, lines 3-34
- if the user input indicates the mechanism should not be granted RF access, then, shutting down the mechanism requiring RF access without enabling the RF device. col. 5, lines 3-34

Regarding claim 13, Okano further discloses a method wherein at least one of the application and system programs include a prompting mechanism configured to display a prompt to a user to determine if the radio unit is to be enabled before enabling the radio unit. See col. 5, lines 3-34

Regarding claim 14, Okano further discloses a method wherein upon disabling the radio, a notification program notifies the user that the radio is disabled. See col. 2, lines 12-16, col. 5, lines 52-56.

Regarding claims 15,17-20 Okano discloses a method wherein the notification program notifies the user of the status of the RF device by means of a display. See col. 2, lines 12-16, col. 5, lines 52-56. However, he does not specifically disclose the display to be an airplane icon.

It is well known in the art to display icons for indication status of the phone such as battery icon, signal strength icon etc.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made modify Okano to display the status of the transmission suspension using an airplane icon as an obvious design choice.

Regarding claim 16, Okano further teaches a method wherein the electronic device according comprises a shutdown device configured to maintain the radio unit in a non-enabled state, maintain the processing unit in an operational state, and shut down an application program that utilizes the radio unit upon a negative response to the prompt from the user. See col. 4, line 34 – col. 5, line 13.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okano [US 6,763,238].

Regarding claim 5, Okano discloses all the limitations as claimed. Okano further discloses a method where the data input section to input suspension of transmission command is a touch panel. See col. 4, lines 21-24 and 34-42. However, Okano does not specifically disclose a graphical user interface having a first soft button entitled “radio on” and a second soft button

labeled “radio off” and an enablement of the radio device is indicated by the corresponding indicators.

Since Okano discloses the data input section to be a touch panel, it is obvious to have a soft-button selection on the touch panel to turn the transmission section on or off.

Therefore it would have been obvious to include the “radio on” and “radio off” soft buttons on the touch panel of Okano’s invention in order to allow the user to make the appropriate selection to activate or deactivate the transmission section.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okano [US 6,763,238] in view of Graham [EP 817 447 A1].

Regarding claims 6-8, Okano as treated in claim 1 discloses all the limitations as claimed. However he is silent to teach a method wherein the electronic device comprises a hard button programmed to enable and disable the radio device by engaging the hard button for a pre-determined length of time, wherein the pre-determined length of time is less than one second.

Graham, in the same field of endeavor, teaches a method wherein the electronic device comprises a hard button programmed to enable and disable the radio device by engaging the hard button for a pre-determined length of time, wherein the pre-determined length of time is less than one second. See col. 3, line 46 – col. 4, line 23.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Graham to Okano in order to ensure that the electronic device is not inadvertently turned on/off.

***Allowable Subject Matter***

5. Claim 2 is allowed. The following is a statement of reasons for the indication of allowable subject matter.

Claim 2 recites along with other limitations a method wherein at least one of said application and system programs comprises a notification program configured to notify a user that the radio unit is disabled when invoking a program that is configured to utilize the radio unit and to display a software enabled switch, the software enabled switch further configured to either enable the radio unit for use by the program configured to utilize the radio unit or maintain the radio unit as disabled.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1,4-20 have been considered and the newly added limitations to the claims are discussed in the office action presented above.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bruzzone [US 6,424,839]      Mobile communication

Skinner [US 6,928,300]      Method and apparatus for automated flexible configuration of notifications and activation

Koch [US 2004/0076177]      Method and system to shut down and control computer radios



Art Unit: 2618

Brown [6,690,940]                      System for selective prevention of non-emergency use of an electronic device

8.       Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sujatha Sharma  
September 21, 2006



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER